

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

JOHN HALL, ELAINE ROBINSON-
STRAYHORN, LINDORA TOUDLE,
THOMAS JERKINS,

Plaintiffs,

v.

JONES COUNTY BOARD OF
COMMISSIONERS; FRANK EMORY, in
his official capacity as Chairman; W.
MICHAEL HADDOCK, in his official
capacity as Vice Chairman; ZACK A.
KOONCE III, in his official capacity as
Commissioner; SONdra IPOCK-RIGGS, in
her official capacity as Commissioner;
JOSEPH F. WIGGINS in his official capacity
as Commissioner; FRANKY J. HOWARD, in
his official capacity as Jones County
Manager; JONES COUNTY BOARD OF
ELECTIONS; WILL H. BROCK in his
official capacity as Chairman of the Board of
Elections;

Defendants.

CIVIL ACTION NO. 4:17-cv-18

CONSENT JUDGMENT AND DECREE

John Hall, Elaine Robinson Strayhorn, Lindora Toudle and Thomas Jerkins (“Plaintiffs”) filed this action under Section 2 of the Voting Rights Act of 1965, 52 U.S.C. § 10301, against the Jones County Board of Commissioners, Frank Emory, W. Michael Haddock, Zack A. Koonce III, Sondra Ipock-Riggs, Joseph F. Wiggins, Franky J. Howard, the Jones County Board of Elections, and Will H. Brock (“Defendants,” and, together with Plaintiffs, the “Parties”). The complaint alleges that the current at-large method of electing the members of the Jones County

Board of Commissioners has the effect of denying the African-American voters of Jones County an equal opportunity to elect candidates of their choice.

The Parties, through counsel, have conferred extensively and agreed that it is in the best interest of the Parties and the citizens of Jones County that this litigation be resolved to avoid protracted, costly and potentially divisive litigation. The Parties share the goal that all future elections for the Jones County Board of Commissioners be conducted under a method of election that allows Jones County's African-American voters an equal opportunity to elect their candidates of choice, in compliance with Section 2. Accordingly, the Parties have entered into the following Consent Judgment and Decree (the "Consent Decree") as an appropriate resolution of this civil action.

The Parties stipulate as follows:

1. Jones County is a political subdivision of the state of North Carolina located in the southeastern region of the state. The Jones County Board of Commissioners is a five-member governing body charged with fulfilling the legal duties and responsibilities of Jones County.

2. The five members of the Jones County Board of Commissioners are currently elected at-large to four-year terms that run concurrently. The elections are held during non-presidential federal election years. Elections for the Board of Commissioners are partisan. Primary elections are held to determine which candidates advance to the general election. Individuals running for the Board of Commissioners do not run for a particular seat on the Board. Instead, the primary ballot lists all candidates from the voter's party who are seeking the party's nomination for the Board of Commissioners. Each primary voter is permitted to cast a

vote for up to five candidates. The top five vote recipients in the primary election receive the party's nomination and advance to the general election. In the general election, voters are again permitted to cast a vote for up to five candidates. The top five vote recipients in the general election win a seat on the Board of Commissioners.

3. Defendants Zack A. Koonce III, Frank Emory, Sondra Ipock-Riggs, Joseph Wiggins, and W. Michael Haddock are the current elected members of the Jones County Board of Commissioners. Defendant Franky J. Howard is the current Jones County Manager. Defendant Will H. Brock is the current Chairman of the Board of Elections. All of these defendants are sued in their official capacities.

4. The existing at-large voting system challenged in this action predates the respective elections of defendants Zack A. Koonce III, Frank Emory, Sondra Ipock-Riggs, Joseph Wiggins and W. Michael Haddock to the Jones County Board of Commissioners. The Defendants have not intentionally discriminated against African-American voters in maintaining the present election method.

5. According to the 2010 decennial Census, African Americans "alone" (meaning they identified with that race and no other) constitute 32.4% of Jones County's total population of 10,153, and 31.8% of the voting age population of Jones County was African American alone.

6. The number of voting-age African-American residents of Jones County is sufficiently large and geographically compact to constitute a majority in at least one single-member district. African Americans vote as a cohesive bloc, but their candidates of choice are

often defeated by the candidates of choice of the white voters of Jones County, who vote sufficiently as a bloc to enable it usually to defeat the minority's preferred candidate.

7. Since the 1994 general election, no African-American candidate has succeeded in winning a seat on the Jones County Board of Commissioners.

8. The existing at-large system used to elect the Jones County Board of Commissioners denies African-American voters in Jones County an equal opportunity to elect candidates of their choice.

9. The usual and appropriate remedy for election systems that dilute minority voting strength in violation of Section 2 of the Voting Rights Act is the drawing of a new plan that does not dilute minority voting strength. *See Thornburg v. Gingles*, 478 U.S. 30 (1986).

10. As an appropriate remedy in this Section 2 action, the Parties have agreed to implement a seven single-member district electoral plan described in the attachment to this Consent Decree (the "Single-Member Plan"). The Single-Member Plan includes two single-member districts in which African-American voters constitute a majority of the voting-age population. The Single-Member Plan is a proper remedy for the violation of Section 2 of the Voting Rights Act.

11. Defendants have agreed to put the Single-Member Plan into effect for the 2018 primary and general elections.

IT IS ADJUDGED, DECREED AND ORDERED:

1. This Court has jurisdiction over the Parties and over the subject matter of this action.

2. The Jones County Board of Commissioners, its officers, agents, employees, successors, and all persons in concert with them in the performance of their official functions are enjoined from conducting any election for the Jones County Board of Commissioners based on the existing at-large electoral system.

3. Defendants shall adopt the Single-Member Plan and the Jones County Board of Commissioners shall consist of seven Commissioners elected pursuant to the Single-Member Plan. The boundaries of the Single-Member Plan shall be established in accordance with the map and descriptions of the seven single-member districts set out in the attachment to this Consent Decree.

4. The boundaries of the Single-Member Plan are reasonably compact and are not in derogation of traditional redistricting principles. The local deviations in populations are less than 10 percent, and therefore these districts comply with the one person, one vote requirement of federal law. *Reynolds v. Sims*, 377 U.S. 533 (1964).

5. The Single-Member Plan complies with Section 2 of the Voting Rights Act and shall be implemented in time for use in the 2018 Jones County Board of Commissioners primary and general elections.

6. To ensure fullest participation in the 2018 Jones County Board of Commissioners primary and general elections and all such elections thereafter, Defendants shall make reasonable efforts to assure that full notice and adequate disclosure will be made to all Jones County voters

of the implementation of the Single Member Plan, as well as of any related changes reasonably necessary to carry out the implementation of the Single-Member Plan.

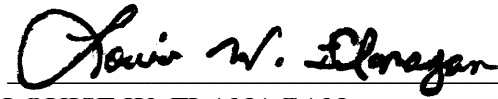
7. Defendants shall make no changes in the system of electing the Jones County Board of Commissioners that cause a diminution of African-American voting strength from the voting strength enjoyed by African-American voters under the Single-Member Plan provided for in this Consent Decree, unless (i) demographic changes in Jones County reasonably require that a diminution in minority voting strength occur; (ii) changes in facts and circumstances after entry of this consent judgment establish that the Single-Member plan is no longer necessary to remedy a Section 2 violation; (iii) judgment in this case has otherwise served its remedial purpose and it is no longer equitable that it should have prospective application.

8. Defendants shall take all steps necessary and proper to implement the terms of this Consent Decree.

9. Within 30 days of entry of this Consent Decree, the County will pay to Plaintiffs' attorneys \$10,000, the payment of which shall fully release, forever discharge and extinguish any and all claims of Plaintiffs and their attorneys related to this matter for costs, fees, expenses or monetary payment of any kind expended on this matter through the date of this Consent Decree.

10. This Court shall retain jurisdiction over this matter to enforce, modify, or vacate the provisions of the Consent Decree and for such further relief as may be appropriate under the Voting Rights Act, until it is in the public interest to return control over elections to local authorities and doing so would not interfere with the voting rights of African Americans under Section 2 of the Voting Rights Act.

SO ORDERED, this 23rd day of August, 2017.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive style with a large initial "L".

LOUISE W. FLANAGAN
United States District Judge

WE CONSENT:

FOR THE PLAINTIFFS:

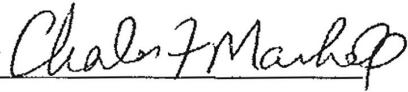
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The seven new election districts for the Jones County Board of Commissioners under the Single Member Plan shall be as follows:

District I - The area within the following boundary running clockwise from the intersection of NC Highway 41 with the Jones County line on the northern border: South on NC Highway 41 to Musselshell Creek, southeast on Musselshell Creek to the intersection with Kingfield Rd, east on Kingfield Rd. curving south on Kingfield Rd. for a distance of .149 miles (approx.), the boundary then extends east along northern boundary of census block 2001030, then south along the eastern boundary of census block 2001030 to the intersection with NC Highway 1321/Furney Brock Rd., the boundary then continues south along the eastern boundary of census block 2001031, the boundary then proceeds west along the southern boundary of census block 2001031 to the intersection with Brimmage Rd., southwest on Brimmage Rd. to Ten Mile Fork Road, southeast on Ten Mile Fork Road to Long Branch, south on Long Branch to the confluence of Trent River, the boundary follows the Trent River west to the confluence of Trent River and French Branch, south on French Branch to the intersection of Spann Rd., southwest on Spann Rd. to the intersection of NC Highway 58, west on NC Highway 58 to the intersection of Curtis Rd., north on Curtis Rd to the intersection of Wooten Rd., north on Wooten Rd., then south on Wooten Rd. to the intersection of NC Highway 58, north on NC Highway 58 to the intersection of Francks Field Rd., southwest on Francks Field Rd. to the point where Francks Field Rd. splits to a service road, the boundary then continues southwest following the service road to the intersection of Olivers Cross Rd., north on Olivers Cross Rd. to the end of Olivers Cross Rd., the boundary then continues southwest along the southeastern boundary of

census blocks 2002048 and 2002058, the boundary then continues northwest along the western boundaries of census blocks 2002058 and 2002059, the boundary then continues south along the southeastern boundary of census block 2002063 then northwest along the southwestern boundary of census block 2002063 to the intersection of NC Highway 41, northeast on NC Highway 41 to intersection of Poplar Branch, northwest on Poplar Branch to the confluence of Trent River, north on Trent River to the intersection of NC Highway 58, east on NC Highway 58 to the intersection of Whitaker Rd., south on Whitaker Rd. to the intersection of Greentown Rd., northeast Greentown Rd. to the intersection of NC Highway 58/NC Highway 41, east on NC Highway 58/NC Highway 41 to Trenton city limits, north following the boundary of Trenton city limits to First St., the boundary then continues west on First St. to the intersection of West St., the boundary then continues north on West St. past Second Ave. along the western and northern borders of census block 2001049, the boundary then continues along the northern boundaries of census blocks 2001043, 2001044, 2001053, 2001051, 2001050 and 2001048, the boundary then continues east along the eastern boundary of census block 2001048, the boundary then continues east along the northern boundary of census block 2001066 to Trent River, northwest on Trent River to Musselshell Creek, northeast on Musselshell Creek to Henderson Rd., northwest on Henderson Rd. to the intersection of Island Branch, west on Island Branch to the confluence of Resolution Branch, north on Resolution Branch to the intersection of Wyse Fork Rd, the boundary then proceeds north along the western boundaries of census blocks 3001091 and 3001090, the boundary then proceeds east along the northern boundary of census block 3001090 to the intersection of NC Highway 41 and the Jones County line.

District II - The area within the following boundary running clockwise from the intersection of Lees Chapel Rd and US Highway 17: North on US Highway 17 to the intersection of Beaufort Rd., east on Beaufort Rd. to Island Creek Rd., northeast on Island Creek Rd. to the intersection of Meadowbrook Ln., north on Meadowbrook Ln. for a distance of .22 miles (approx.), the boundary then proceeds north along the western boundary of census block 1001098, the boundary then proceeds east along the northern boundary of census block 1001043, the boundary then continues southeast along the northern and eastern boundaries of census block 1001041 to the intersection of Island Creek Rd., northeast on Island Creek Road, which is also the northern boundary of census blocks 1001120, 1001118, and 1001103, northeast along the northern boundaries of census blocks 1001103 and 1001114, the boundary then proceeds south following the Jones County line to the intersection of Collins Ln., the boundary then proceeds northwest along the southwest boundaries of census blocks 1002102 and 1002105, 1002038, the boundary then proceeds to the intersection of US Highway 17, north on US Highway 17 to the intersection of Tenth St., east on Tenth St. to the intersection of Foy Ave., north on Foy Ave. to the intersection of Ninth St., west on Ninth St. to the intersection of Bynum Ave., North on Bynum Ave. to the intersection of Fifth St., west on Fifth St. to the intersection of Mattocks Ave. north on Mattocks Ave. to the intersection of Fourth St., west on Fourth St. to the intersection of White Oak River Rd., northwest on White Oak River Rd. to the Maysville city line, the boundary follows the Maysville city line north to the intersection of US Highway 17, north on US Highway 17 to the intersection of Beaufort Rd.

District III - The area within the following boundary running clockwise from the intersection of NC Highway 41 with the Jones County line on the northern border: East along the northeast portion of the Jones County line, the boundary then proceeds along the eastern and southwest boundaries of census block 1001115, the boundary then proceeds west along the southwest boundary of census block 1001116 to the intersection of Island Creek Rd., southwest on Island Creek Rd. to the western boundary of census block 1001040, north along the western boundaries of census blocks 1001040, 1001036, 1001042 and 1001037, the boundary then meets Trent River, south on Trent River to the eastern boundary of census block 1001097, the boundary then proceeds south along the eastern boundary of census block 1001097 to the intersection of Meadowbrook Ln., south on Meadowbrook Ln. to the intersection of Island Creek Rd., west on Island Creek Rd. to the intersection of Beaufort Rd., west on Beaufort Rd. to the intersection of US Highway 17, south on US Highway 17 to the intersection of Pollacksville city limits, the boundary then proceeds west following the Pollacksville City line to where the city line intersects with Pollack St. and Goshen Rd., west on Goshen Rd. to the western boundary of census block 1001088, the boundary then proceeds north along the western boundary of census blocks 1001088 and 1001075, the boundary then proceeds north to Trent River, west on Trent River, then north along the Trent River to the Long Branch confluence, north on Long Branch to the intersection of Ten Mile Fork Rd., west on Ten Mile Fork Rd. to the intersection of Brimmage Rd., north on Brimmage Rd. which is part of the western boundary of census block 2001000, the boundary then proceeds north along the western boundary of census block 2001000 to the intersection of Highway 41 and the Jones County line on the northern boundary.

District IV - The area within the following boundary running clockwise from the intersection of NC Highway 58 and Piney Grove Rd.: Southeast on NC Highway 58 to the intersection of Mill Run Creek, northeast on Mill Run Creek to Trent River, east on -Trent River to the eastern boundary of census block 1001065, south along the eastern boundaries of census blocks 1001065 and 1001072 to the intersection Goshen St., east on Goshen St. to the Pollacksville city line, the boundary then proceeds south then east following the Pollacksville city line to the intersection of US Highway 17, south on US Highway 17 to the Maysville city line, the boundary then proceeds south following the Maysville city line to White Oak River Rd., southeast on White Oak River Rd. to the intersection of Fourth St., east on Fourth St. to the intersection of Mattocks Ave., south on Mattocks Ave., to the intersection of Fifth St., east on Fifth St. to the intersection of Bynum St., south on Bynum St. to the intersection of Ninth St., east on Ninth St. to the intersection of Foy Ave., south on Foy Ave. to the intersection of Tenth St., east on Tenth St. to the intersection of US Highway 17, south on US Highway 17 to Jones County line, , the boundary then proceeds northwest along following the Jones County line, the boundary follows the Jones County line to the confluence of Great Creek and White Oak River, north on Great Creek to the intersection of White Oak River Rd., east on White Oak River Rd. to the western boundary of census block 2002177, the boundary then proceeds north along the western boundaries of census blocks 2002177, 2002172, 2002103, and 2002091 to the intersection of PJ West Rd., the boundary then proceeds northeast on PJ West Rd. to the intersection of Piney Grove Rd., east on Piney Grove Rd. to the intersection of NC Highway 58.

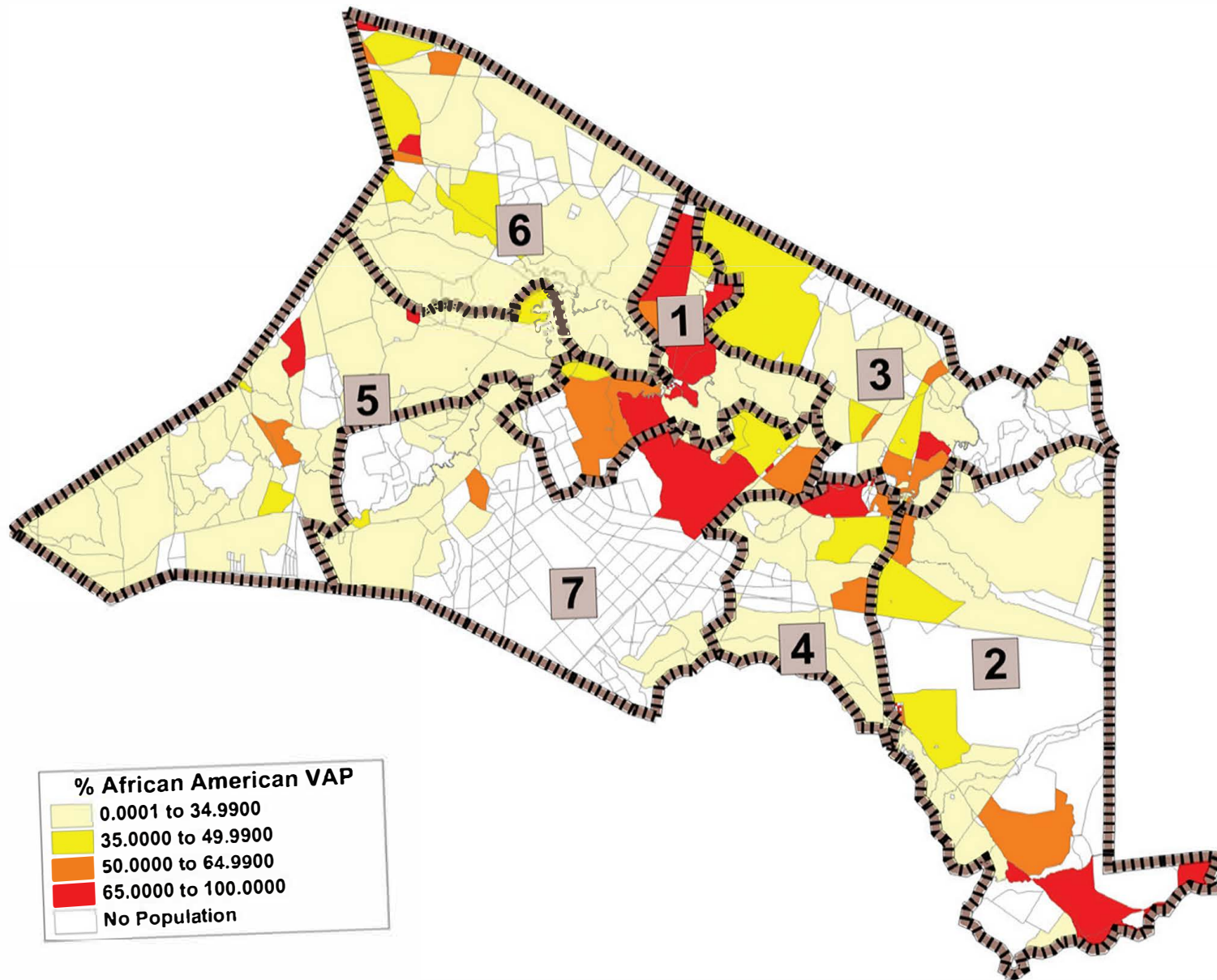
District V - The area within the following boundary running clockwise from the intersection of US Highway 258 and the Jones County line on the western border: North along the western border of the Jones County line to the intersection of NC Highway 58, south on NC Highway 58 to the intersection of Levi Ln., south on Levi Lane to the southern boundary of census block 3002007, the boundary then proceeds east along the southern boundary of census block 3002007 to NC Highway 58, south on NC Highway 58 to the intersection of Chinquapin Branch, east on Chinquapin Branch to the intersection of Chinquapin Chapel Rd., north on Chinquapin Chapel Rd. to the intersection of Middle Rd., southeast on Middle Rd. to the intersection of NC Highway 58, west on NC Highway 58 to the intersection of Trent River, south on Trent River to the confluence of Poplar Branch, south on Poplar Branch to the intersection of NC Highway 41, southeast on NC Highway 41 to the intersection of Pocason Branch, north on Pocason Branch to the confluence of Trent River, west on the Trent River to the confluence of Little Chinquapin Branch, west on Little Chinquapin Branch to the southern boundary of census block 3002083, the boundary then proceeds west along the southern boundaries of census blocks 3002083, 3002068, 3002067, 3002066 and 3002065, the boundary intersects with Tuckahoe Swamp, south on Tuckahoe Swamp to the confluence of Trent River, south on Trent River to the confluence of Reedy Branch, southwest on Reedy Branch to the intersection of NC Highway 41, west on NC Highway 41 to the eastern border of census block 3003058, the boundary then proceeds south along the eastern border of census block 3003058 to the Jones County line, the boundary then follows the Jones County line west, northwest, then northeast along the Jones County line to the intersection of US Highway 258 and the Jones County line.

District VI - The area within the following boundary running clockwise from the intersection of US Highway 70 and the Jones County line on the western border: north along the western border of the Jones County line, the boundary then proceeds east along the northern border of the Jones County line to the intersection of NC Highway 41, the boundary then proceeds west along the southern boundary of census block 3001047, the boundary then proceeds south along eastern boundaries of census blocks 3001089, 3001088, 3001087, 3001092, 3001086, 3001082, 2001038, the boundary then proceeds along the eastern and southeastern boundary of census block 2001041 to the Trenton city line, the boundary then continues west along the southern boundary of census block 2001041 to the intersection of NC Highway 58/NC Highway 41, west on NC Highway 58/NC Highway 41 to Greentown Rd., west on Greentown Rd. to the intersection of Whitaker Rd., north on Whitaker Rd. to the intersection of NC Highway 58/NC Highway 41, west on NC Highway 58 to the intersection of Middle Rd., north on Middle Rd. to the intersection of Chinquapin Chapel Rd., southwest on Chinquapin Chapel Rd. to Chinquapin Branch, west on Chinquapin Branch to the intersection of NC Highway 58, northwest on NC Highway 58 to the southern boundary of census block 3002007, the boundary then proceeds east along the southern boundary of census block 3002007 to Levi Ln., north on Levi Ln. to the intersection of NC Highway 58, north on NC Highway 58 to the western border of the Jones County line, the boundary then proceeds north along the western border of the Jones County line to the intersection of US Highway 70.

District VII - The area within the following boundary running clockwise from the intersection of NC Highway 58 and Wooten Rd.: Northeast on Wooten to the intersection of Curtis Rd., south on Curtis Rd. to the intersection of NC Highway 58, east on NC Highway 58 to the intersection of Spann Rd., northeast on Spann Rd. to the intersection of French Branch, north on French Branch to the confluence of Trent River, east and then south on Trent River to the confluence of Mill Run, south on Mill Run to the intersection of NC Highway 58, northwest on NC Highway 58 to the intersection of Piney Grove Rd., west on Piney Grove Rd. to the intersection of PJ West Rd., southwest on PJ West Rd. to the northern boundary of census block 2002090, the boundary then proceeds east along the northern boundaries of census blocks 2002090 and 2002098, the boundary then proceeds southwest along the eastern boundaries of census blocks 2002098, 2002094 and 2002104, the boundary then proceeds east along the northern boundary of census block 2002171, the boundary then proceeds south along the eastern boundaries of census blocks 2002171, 2002170, 2002179 and 2002178, the boundary then proceeds southwest along the southern boundaries of census blocks 2002178 and 2002206, the boundary then proceeds south along a portion of the eastern boundary of census block 2002168 until the boundary intersects at White Oak River Rd, west on White Oak River Rd. to the intersection of Great Creek, south on Great Creek to the confluence of White Oak River at the Jones County Line, the boundary then follows the Jones County line southwest and then northwest along the southern boundary of the Jones County line until the boundary intersects with the western boundary of census block 3003060, the boundary then proceeds north along the western boundaries of census blocks 3003060 and 3003059 to NC Highway 41, east on NC Highway 41 to Reedy Branch, north on Reedy Branch to the confluence of Trent River,

north on Trent River to the confluence of Tuckahoe Swamp, north on Tuckahoe Swamp to the northern boundary of census block 3002087, the boundary then proceeds east along the northern boundaries of census blocks 3002087, 3002081, 3002082, 3002077 (partially bordered by Little Chinquapin Branch) and 3002076, at the confluence of Little Chinquapin Branch and Trent River the boundary proceeds east on Trent River, east on Trent River to the confluence of Pocoson Branch, south on Pocoson Branch to NC Highway 41, southwest on NC Highway 41 to the northeastern boundary of census block 2002065, the boundary then proceeds southeast along the northeastern boundaries of census blocks 2002065, 2002067, 2002074 and 2002057, the boundary then proceeds northeast along the northwestern boundaries of census blocks 2002064 and 2002047, the boundary then proceeds southeast along the northeastern boundary of census block 2002047 to the intersection with Oliver Cross and the service Rd., east on the service road to intersection of Francks Field Rd., east on Francks Field Rd. to the intersection of US Highway 58, south on US Highway 58 to the intersection of Wooten Rd.

Jones County, NC
July 2017



Plan: Final
Plan Type:
Administrator:
User:

Population Summary Report

Tuesday July 11, 2017

4:43 PM

DISTRICT	TOTALPOP	DEVIATION	% DEVN.	VAP	white	[% white]	black	[% black]
1	1,435	-15	-1.03	1,126	459	40.76%	614	54.53%
2	1,457	7	0.48	1,142	505	44.22%	584	51.14%
3	1,479	29	2.00	1,208	850	70.36%	323	26.74%
4	1,477	27	1.86	1,142	708	62.00%	362	31.70%
5	1,431	-19	-1.31	1,135	910	80.18%	157	13.83%
6	1,441	-9	-0.62	1,114	756	67.86%	291	26.12%
7	1,433	-17	-1.17	1,078	837	77.64%	193	17.90%

Total Population: 10,153
Ideal District Population: 1,450

Summary Statistics

Population Range: 1,431 to 1,479
Ratio Range: 0.03
Absolute Range: -19 to 29
Absolute Overall Range: 48.00
Relative Range: -1.31% to 2.00%
Relative Overall Range: 3.31%
Absolute Mean Deviation: 17.57
Relative Mean Deviation: 1.21%
Standard Deviation: 19.17